IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 18923 of 2005(C)

PETITIONER:

ASWATHI. P.P., D/O. NARAYANAN P.P.,
AGED 22 YEARS, ARUN NIVAS, NARATH,
KANNUR DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY TO CO-OPERATION, GOVERNMENT OF
KERALA, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KANNUR.

3. THE PRESIDENT, THE NARATH SERVICE
CO-OPERATIVE BANK LTD., HEAD OFFICE,
NARATH, KANNUR-3.

4. NARATH SERVICE CO-OPERATIVE BANK LTD.,
KANNUR REPRESENTED BY ITS SECRETARY.

ADDITIONAL RESPONDENTS 5 AND 6 IMPLEADED AS PER ORDER ON I.A.NO. 10582/2005 DATED 21/07/2005

ADDL.R5 REJITH V., S/0.NARAYANAN, KANDANBATH HOUSE,
NARATH P.O., KANNUR DISTRICT.

ADDL.R6 VINOD KUMAR C., S/0.M.P.NARAYANAN,
NARATH P.O., KANNUR DISTRICT.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR FOR R3
SRI.M.SASINDRAN FOR R5 AND R6
GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN FOR R1 AND R2
SRI.K.V.SOHAN FOR R4
SMT.SREEJA SOHAN.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 PHOTOSTAT COPY OF THE NOTICE DATED 03/06/2005

EXT.P2 PHOTOSTAT COPY OF THE REPRESENTATION OF THE 3RD RESPONDENT DATED 13/06/2005

EXT.P3 PHOTOSTAT COPY OF THE COMMUNICATION DATED 15/06/2005

RESPONDENT'S EXTS:-

EXT.R3(a) TRUE COPY OF THE RESOLUTION NO.1(B) DATED 02/12/2004

EXT.R3 (b) TRUE COPY OF THE LETTER DATED 07/06/2005

EXT.R3 (c) TRUE COPY OF THE NOTICE DATED 10/06/2005

EXT.R3 (d) TRUE COPY OF THE ORDER NO.CRB.3994/05 DATED 29/06/2005

EXT.R3 (e) TRUE COY OF THE LETTER DATED 01/07/2005 OF THE ASSISTANT REGISTRAR

EXT.R3 (f) TRUE COPY OF THE NEWS ITEM PUBLISHED IN SUDINAM DAILY DATED 29/06/2005

EXT.R4 (a) TRUE COPY OF THE WRITTEN OBJECTION SUBMITTED BY THE 2 MEMBERS OF THE BOARD OF DIRECTORS DT.07/06/2005

EXT.R4 (b) TRUE COPY OF THE LETTER SENT BY 4TH RESPONDENT TO THE PRESIDENT ALONG WITH EXT.R4(a) REQUEST OF 2 MEMBERS OF THE BOARD OF DIRECTORS DT.07/06/2005

EXT.R4 (c) TRUE COPY OF THE LETTER SIGNED BY ALL THE MEMBERS OF THE BOARD OF DIRECTORS EXCEPT THE PRESIDENT, DT.15/06/2005

EXT.R4 (d) TRUE COPY OF THE DISPUTED RANK LIST PUBLISHED BY THE PRESIDENT HIMSELF, DT.10/06/2005

EXT.R4(e) TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS DT.29.11.2006

EXT.R5 (a) A TRUE COPY OF THE RANK LIST PUBLISHED 0N 10/06/2005

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 18923 of 2005 (C) and I.A.No.17096/2006

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Dated this the 20th day of December, 2006

J U D G M E N T

The fourth respondent bank filed an interlocutory application No.17096/2006, praying to permit the Society to:-

> "appoint three top ranked candidates in the written test and interview to be appointed in the existing three posts of peons at Narath Service Co-operative Bank".

2. The prayer of the writ petitioner is to direct the second respondent, Joint Registrar, to compel respondents 3 and 4, the President and Secretary of the Bank, to conduct an interview of the candidates, to whom notices for interview had been sent to appoint them to the post of peons, in the said Bank, as expeditiously as possible.

3. As per the interim direction of this Court, dated 15/07/2005, the third respondent was directed to continue as a sole member of the sub-committee and hold interview for the 13 candidates, who were listed to be interviewed on 10/06/2005, and such an interview was directed to be held on or before 21/07/2005.

4. Accordingly, the interview of the candidates were held, including that of the writ petitioner. It is submitted by either side that the writ petitioner is the first rank holder and, therefore, if the persons from the ranked list were appointed, the writ petitioner would be covered and will be appointed. Therefore, the grievance of the writ petitioner will accordingly be redressed.

5. In view of the above facts situation, I allow I.A.No.17096/2006 and permit the fourth respondent to appoint the three top ranked candidates, including the writ petitioner, as per the provisions of the Kerala Co-operative Societies Act and Rules, made thereunder.

6. Therefore, nothing survives to be passed in this writ petition. This writ petition is accordingly closed.

(J.M.JAMES)
Judge

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